COBBETT'S WEEKLY POLITICAL REGISTER.

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"My lords, never did I witness a job come into parliament in a way more gross and palpable than the "present. In a few days parliament will disperse, and I hope we shall not return to our homes with the "stigma of having passed such a bill as that now before us; that we shall not thus put an end to a "session, during which less of glorious and more of inglorious things have been exhibited to the world, "than during any former session within the memory of man Let us not, at a moment like this, when "all classes of the people are ground down with taxes, add to their burdens by voting a boon to mendicant "importunity. However critical may be the times; however great may be our dangers; however hopeless "the state of our finances; let us not, my lords, like sailors, when they see their vessel driving upon the "rocks, abandon the sails, throw up the helm, and fall to plundering the chests. Let us rather, my lords, "by virtuous deeds, endeavour to resist the storm, and to avert the vengeance that seems ready to burst "upon us. Let us, at any rate, for that is completely in our power, return to our homes with the con-"sciousness and the reputation of honest men."—THE LORD CHIEF JUSTICE'S Speech, on the 8th inst. upon the Athol Claim bill.

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ON IMPEACHMENTS.

SIR,—During the discussions which have taken place in the last month, much has been said, and written, as to the inconveniency, the delay, and the expense attendant upon trials by impeachment. But it was well observed, that those who indiscriminately condemn trials by impeachment, find fault with the constitution of Great Britain.——It is impossible for a man to consider the conduct of the House of Lords setting as a court of justice, without being fully convinced that it is a fair, an honourable, and an impartial tribunal. If, indeed, we were to go back to the earlier period of our history, we should find that impeachments have often originated in violence, and terminated in injustice. This remark, however, does not apply to later periods. Even in the reign of Charles the First, when the Commons impeached the Earl of Stafford, the trial before the Lords was conducted with decency, and even with justice. No judgment was pronounced, because the Commons changed that mode of proceeding before the close of the trial. They voted a bill of attainder, and the populace, encouraged by the leading members of the Commons, compelled the House of Lords and the King to pass the bill.——In the next reign Lord Stafford fell a victim to the public dread of popery. He was impeached by the Commons, and found guilty by the Lords, as a party to a plot which had no existence; but the same fate would have awaited him, had he been tried by a jury, since many innocent men were condemned and executed on the same evidence that was produced against Lord Stafford. Four whig lords were impeached by a tory House of Commons at the close of King William's reign. The charge was a state crime, advising his Majesty to consent to the celebrated partition treaty. This was, in truth, a mere party business, a tory lord, the Earl of Jersey, was equally guilty of this crime, if the act was criminal, but being a tory, he escaped impeachment. The Commons declined to support their impeachment, and the Lords were acquitted of course.——In the reign of Anne, a turbulent parson was impeached for preaching a seditious sermon, and after a regular trial, was found guilty. This was also a party question, and though the man was guilty, the whigs had reason to lament that they made him of consequence enough to bring him to so solemn a trial, as the cry of the church being in danger, was artfully adopted by the tories, and was the first cause of the overthrow of Lord Godolphin's administration.——In the reign of George the First, several lords were impeached for high treason. The charge was fully and speedily proved, and sentence pronounced without delay.——In the same reign the Earl of Oxford was impeached for high treason, and high crimes and misdemeanors, though it was much doubted, whether, if the article charging the first could have been proved, it would have amounted to high treason. He had been minister during the four last years of Queen Anne, and the crime was, concluding the peace of Utrecht, which had been approved of by two parliaments in that reign, though so strongly condemned by the whig House of Commons of her successor. Lord Oxford lay two years a prisoner in the Tower, and then petitioned either for a trial or a discharge.——The Lords called upon the Commons to proceed, and the trial commenced in Westminster Hall. The Commons began by opening a very trifling charge. The Lords directed them to proceed first with the article of high treason, observing, that if found guilty of that charge, Lord Oxford would forfeit both life and estate, which would render it useless to proceed further. The Commons insisted on

their right, to begin with which article they thought proper. The Lords contended, and apparently with very good sense, that as a court of justice they were to direct the proceedings. They therefore appointed a day for continuing the trial. The Commons positively prohibited any of their members from attending on that day, and on the Lords going into Westminster Hall, and no prosecutors appearing, Lord Oxford was unanimously acquitted.——Such is the public history of this extraordinary case, but it was generally believed that the original movers of this prosecution, sought a quarrel on finding that their impeachment could not be successfully prosecuted, a state crime except in times of violence, being very difficult to be defined or proved.——There was also in the same reign an impeachment for high crimes and misdemeanors, of a nobleman, Lord Macclesfield, who had been Lord Chancellor, and who was not only high in the esteem and confidence of the King, but powerfully connected with the great families of the kingdom. The charge was for corruption in his office as Chancellor of Great Britain. The charge was proved, and he was found guilty by the unanimous voice of his peers.——In the reign of George the Second, there were several impeachments for high treason, in consequence of the rebellion of 1745. The charge in each impeachment was proved, and sentence followed without delay.——From the preceding statement it is clear, that from the period of the revolution to the commencement of the present reign, every impeachment that the Commons have prosecuted to a legal termination, they prosecuted successfully, and with very little delay or inconvenience.——The impeachment of the four whig lords, in the reign of William, and of Lord Oxford in the reign of George the First, they never did prosecute. They were terminated by a quarrel with the Lords, on points of form. The charges were of a particular nature, hard to be defined, and difficult to be proved. The partition treaty was as strongly approved of by one party in the nation as it was condemned by another; and while the whigs censured, the tories applauded the peace of Utrecht. Neither the whig lords, nor the Earl of Oxford, were supposed to be actuated by corrupt motives, and the extent of the state crime in any of these cases, could only have been an error in judgment.——Much has been said, of the delay and expense attending the impeachment of Mr. Hastings, and if that precedent was to be followed, most undoubtedly no man would wish to see an impeachment n future.——The same argument might be urged with some degree of force against a bill of pains and penalties, because that mode of proceeding was instituted against Sir Thomas Rumbold, and dropped in the third year of it.——But no man who is acquainted with the proceedings on the impeachment of Mr. Hastings, can think that it forms a precedent likely, or indeed possible to be followed up in future. The charge against him was not a charge of high treason which is capable of proof, or of being invalidated in a very short time, nor simply of the corruption in the execution of a great office, which is also capable of being speedily substantiated or disproved, but it was a charge comprehending the whole of his conduct as the sovereign of a great empire, civil, military, judicial, and financial, during a government of thirteen years, to which was added corruption in office, and a waste of public money for private purposes. That charges so extensive, and which the life of man appears too short to go through, came to be voted by the House of Commons, strikes us now as extraordinary, and that they were so voted, was owing to a departure from former precedents.——The general mode of originating impeachments, has been to move, in the first instance, that the party should be impeached. That vote being carried, a committee has been appointed to draw up the articles, which having been presented, were approved, or altered by the House; then carried to the Lords and managers appointed to make them good at the trial. Such has been the practice in every instance since the revolution.——In the case of Mr. Hastings, the proceedings were reversed, and hence arose the immense mass of criminating charges preferred against that gentleman, and the great delay and the enormous expense attending the trial, which did indeed last as long as the siege of Troy. The notice of moving a prosecution against him was given in 1785. The proceedings in the House of Commons lasted the two following sessions, when the impeachment was voted, and the articles carried to the Lords. The trial began in 1788, and the prosecution closed in 1791. The defence in 1793. The reply in 1794. And, in 1795 Mr. Hastings was acquitted of all the charges. ——Strange and paradoxical as it may appear, yet the fact is true, that the Commons never did come to any distinct vote on the criminating allegations contained in the articles preferred against Mr. Hastings, and that they did not do so, was owing to the mode of proceeding which was adopted. This will be proved by stating what was that mode.——Mr. Hastings returned from Bengal, after having been thirteen years at the

head of that government. In that period he increased the resources of the Bengal government, more than two millions sterling a year. He left it in perfect tranquillity, incumbered with a very trifling debt, and during the general war, which the contest with America had occasioned, he counteracted every effort made by France, in concert with Hyder Ally and the Mahrattas, against the British empire in India. On his arrival in England he received the unanimous thanks of the two Courts of Directors, and Proprietors, his masters, for his long, faithful, and able services. It was a fact of public notoriety, that his character was highly esteemed by the natives whom he had so long governed, and by his British fellow subjects in India. There was not a single complaint against him from any quarter, and his Majesty's ministers expressly disavowed the most distant idea of instituting a criminal prosecution against him.——Under these circumstances, therefore, if a member had proposed a vote of impeachment according to the usual precedents the business had ended at once.——Mr. Burke began by moving for certain papers, from which the House, as he said, would naturally ground their impeachment of Mr. Hastings. These were granted. Motions of a criminatory nature were moved, and negatived. Mr. Burke was next desired to present his charges, which if adopted by the House would naturally lead to an impeachment. These charges he did present. They were twenty-four, and each contained a very great number of criminal allegations. It was stated that these charges if they were voted, were not to be deemed articles of impeachment, but that on a subsequent stage of the proceeding, they were to be referred to a secret committee, who were to frame them into articles, which if approved by the House, were then to be presented to the House of Lords.——After these charges had been printed, Mr. Hastings was heard at the bar of the House.——A debate followed on the first, and as Mr. Burke said, the most important charge which was negatived. The next debate, and that which was decisive of the impeachment, was on the charge called Benares. This contained no more than *eighteen* criminal allegations. But the mode adopted, and which led to all the subsequent delay in the trial was, to move that the Benares charge contained *matter for impeachment*. Mr. Pitt, who spoke with infinite ability and eloquence, not only defended Mr. Hastings against *seventeen* of the criminal allegations, but declared that his conduct was in the highest degree meritorious. On *one point*, and on *one only*, he condemned Mr. Hastings, and this was, for his intention of imposing a fine of forty or fifty lacks of rupees on the Rajah of Benares for his delinquency. The delinquency he fully admitted, but he conceived that the intended punishment went beyond the offence. Now, the charge expressly stated that the Rajah had been guilty of no offence, and that every demand made by Mr. Hastings upon him, to contribute his proportion to the expense of the war, was an act of injustice, and a breach of treaty.—The common sense mode of proceeding, certainly would have been to have put a question on each of the eighteen criminal allegations, as the only mode by which the sense of the House could have been fairly taken. If that had been done, it is *probable* at least, that upon seventeen criminatory charges, the majority might have voted with Mr. Pitt, and had that been the case, it is very possible, that after approving all Mr. Hastings *had done*, the House might have paused before they voted to impeach Mr. Hastings for what he had *intended* to do, and which intention never was communicated to the Rajah, nor carried into effect.——With this vote the proceedings closed for the session. In the next session many other charges were voted precisely in the same way; each charge containing a great variety of criminal allegations, but the motion upon each charge, being, that it contained *matter for impeachment*. ——Mr. Pitt delivered his statement on each charge, and specifically stated the point on each, which he thought contained a ground for impeachment.——If, therefore, the House had divided on the different allegations, the probability is, that when the articles were put into forms, the points of the charge would have been very few, very intelligible, and the impeachment of Mr. Hastings might have been finished, as Lord Macclesfield's was, in twenty days.—After Mr. Burke's charges had been gone through, a secret committee was appointed to draw up the articles of impeachment. This committee consisted of gentlemen who conceived that Mr. Hastings was criminal in every thing that he had done. It was extremely natural, therefore, that *they* should make their articles a transcript almost of Mr. Burke's charges. The only change was, that they were put in a more technical and legal form.——They were presented to the House, read a first time *pro formâ*, and ordered to be printed.——When read a second time, it was to be supposed, that each article would have been debated, and that Mr. Pitt, agreeably to his original and declared intention, would have moved to leave out such allegations charged to be criminal.

as he had declared to be in his opinion highly meritorious. But instead of taking this line, the question was, whether the articles should be read a second time, and voted. In other words, whether the House should, or should not vote the impeachment. It was determined by a majority that the articles should be read a second time. A letter from Mr. Hastings was read by a member during the debate, in which he expressed his anxiety for a trial, if the House should enter the articles on their journals: of course when on a subsequent day the impeachment was moved, that question was carried without a debate or a division.——The causes which led to this conclusion are obvious. The business had been two years before the House, of course the members were heartily tired of it. Confidence must be placed somewhere, and possibly, the House thought that the managers who were to support the impeachment, were the best judges, as to the points on which it should be supported. This, however, was unfortunate reasoning, and not only caused so great a delay on the trial, but involved the House in endless contradictions during the course of it.——A few days after the first seven articles were presented and voted, thirteen additional articles were presented, and ordered to be printed. But, so rapid was now the proceedings, that these thirteen articles, which make a tolerably sized volume, were actually voted, before the printed copies were delivered to the members.——During each of the remaining seven years that this trial lasted, the minister of India, opened his budget, in which he solemnly declared in each year, that Bengal under the British administration had been in a progressive state of improvement, as to agriculture, population, and commerce, and that the natives had been infinitely happier under our government, than under the administration of any of their native princes. The documents presented to the House by the India minister, and voted to be correct, and entered on the journals, proved the truth of his statement beyond the possibility of a doubt. From these documents it appeared, that in 1772, the annual resources of Bengal were three millions sterling. That in 1785, when Mr. Hastings quitted it they were more than five millions, and that the increase was owing to the improvement of the revenues of Bengal and Benares, and to our subsidiary treaty with the Nabob Vizier of Oude, all of which formed the most material of the charges which the Commons, in Westminster Hall, were supporting against Mr. Hastings. In that great court how different a representation was made of the present and past state of Bengal, from that which the India minister delivered in the House of Commons. In Westminster Hall it was affirmed, and the articles so stated, that by the measures of Mr. Hastings, enormous losses had been sustained by the East India Company, and disgrace and dishonour brought upon the English nation.——To what causes are we to attribute this unexampled contradiction. To one, and one only, namely, the new mode adopted by a former House of Commons in voting the impeachment. But, are we, therefore, to argue against all future impeachments? Is the error which that House fell into likely to form a precedent? Very far from it. In the case now pending, the old parliamentary mode has been adopted. An impeachment has been voted in the first instance. A committee is appointed to draw up the articles of impeachment., and there can be no doubt, that they will be duly considered before they are voted by the House. In addition to this, what future impeachment is likely to embrace every important, and even every unimportant act, in an administration of thirteen years.——If any gentleman should now have the curiosity to read over the twenty articles preferred against Mr. Hastings, he will find that they contain at least five hundred criminal allegations. Had the whole been gone through, the trial instead of lasting seven, would have continued fifty seven years, provided the managers, the defendant, and the lords had lived so long.—And after all, could this be called the impeachment of Mr. Hastings. Very far from it. It was, in fact, the trial of the British nation, and the East-India Company. The fact of an increase of two millions sterling in the annual resources of the Bengal government during his administration was admitted. The fact of his having supported the British empire in India during a long and arduous war, by the extraordinary sums that he acquired, was also admitted. The managers asserted that the revenues were improved, and the extraordinary resources provided by rapine, violence, oppression, injustice, and breach of faith. Had they proved these assertions by evidence, what must have been the consequence. Mr. Sheridan boldly and fairly stated what the consequence must be; redress to the injured, at an expense of many millions sterling, and an abandonment in future, of those extra revenues, for which the India minister takes annual credit.——Another circumstance in which this impeachment differs from any one that preceded, or that can follow it, is not less extraordinary. The words in the preamble to the articles are, that the measures of Mr. Hastings were attended

with great loss and damage to the East-India Company, and with distress and misery to the natives under its government. Yet the directors and proprietors, who form the East India Company, had returned him their unanimous thanks for his long, faithful, and able services; and in the second year of his trial, testimonials were transmitted through Lord Cornwallis to the East-India Company, from the princes and natives of every province in Bengal, Benares, and Oude, expressing their high opinion of Mr. Hastings, and their strong attachment to him. Of what nature have all the other impeachments been since the period of the revolution, and how dissimilar from this; and no fair argument against a trial by impeachment can be urged by a reference to the impeachment of Mr. Hastings.——Another cause in the delay of the trial of Mr. Hastings cannot possibly operate in any future trial by impeachment. ——The charges in this cause were so many, that the managers in their general opening, in their speeches previous to, and in summing up the charges, and in the reply, took twenty-four days. In addition to this, much time was wasted by arguments on the admissibility of evidence, the council of Mr. Hastings opposing the introduction of any evidence that did not apply to some one of the five hundred criminal allegations, contained in the articles of impeachment. As the judgment was ultimately to be pronounced, *secundum allegata, et probata,* the opposition to the introduction of evidence that had no reference to the articles was very natural. Did this occur in any former, or can it happen in any future impeachment. In the impeachment of the four whig lords, had it been prosecuted to a legal termination, the question was, whether it was a crime or not, to advise the partition treaty. In Lord Oxford's case, had his trial proceeded, the question was, whether the peace of Utrecht was an honourable and safe, or a precarious and an inglorious treaty. ——There was no difficulty in the case of Sacheverel, nor in the trials of the rebel lords in 1715, and 1746, for high treason, nor in that of Lord Macclesfield for high crimes and misdemeanors.——It would be presumption in the writer to consider how far it was right, after having in the recent instance voted a criminal prosecution, to change to a trial by impeachment; but the arguments urged against the latter mode of trial by a reference to the case of Mr. Hastings, do not apply in the smallest degree, since he thinks he has proved to the satisfaction of those, who shall think the subject worthy consideration, that the chief cause of the delay in that remarkable trial, was occasioned by the House of Commons not sufficiently considering the articles which were presented to the Lords.——I am, Sir, &c.—*July* 8, 1805.——X. X.

REFORM OF FINANCIAL ABUSES.

LETTER VIII.

Sir,——In my last, I confined my observations to a discovery of some importance, in the Exchequer language, respecting the *application* of the public money. Mr. Burke says, that "the technical style of "an Indian Treasury is not one jot more "remote, than the jargon of our Exchequer, "from the train of our ordinary ideas or "the idiom of our common language." (Speech on Nabob of Arcot, Vol. IV. p. 200.) If the only cause for styling the language of our public accounts mere jargon, was a corrupt use of terms, little or no inconvenience would arise from it, except the trouble of acquiring a knowledge of their customary meaning. But as this is not the case, and as terms have been so construed, that they may produce the double effect of satisfying and deceiving the public, it is high time that this jargon should be exploded, and the accounts stated in plain intelligible language. Upon every consideration it is at this present moment particularly requisite, that every description of the people should understand in what manner the Commons House of Parliament exercise their most valuable prerogative of controling the "*application*" of the public money.——How successful the authors of the Exchequer tongue have been in deceiving the world, cannot be more fully illustrated than it is by the motto of your last sheet but one, as quoted from Dr. Paley. For, if so learned, and so accurate a philosopher, not only admitted the deceit to be practised on himself, but has also lent the aid of his name to extend the influence of its operations upon others, it is perfectly clear that an universal opinion prevails, that the House of Commons do actually control the application, in its full and proper sense, of the public money. Such an impression is the natural consequence of the deplorable apathy with which every financial statement is received; and, in truth, the fault is not so much the fault of the ministers, as it is that of the people, because it is this apathy which encourages and enables them to practise their delusions. Till, then, more talent and more exertion are devoted to the finances of the country, it is irrational to expect that any efficient reformation will take place in the existing abuses. Whilst the House of Commons feel, that the public are not gratified by laborious investigations of their ac-

counts, the House of Commons very naturally relieve themselves from the task of making such investigations; and, they even do more, for they do not, apparently, take the trouble of examining at all into the nature of the principal accounts that are laid before them. This may very possibly be a very erroneous supposition, it is by no means intended to state such a circumstance as an absolute fact, further than as this transaction may warrant it; namely, the impossibility of the eight papers of annual accounts of this year being examined, in consequence of their not being printed and delivered to the members, though presented in March, and the sessions within a few days of being closed. How then can the exercise of the controling powers of the House of Commons over the *application* of the public money be considered as effective? The minister brings on his budget, imposes his taxes, and makes his loans without any account of the revenue and expenditure of the preceding year being before the House. These accounts are at length presented, but immediately withdrawn to be printed. But, such is the fatality attending the public accounts, that, although every other paper is printed and delivered within a few days after the order of the House takes place, these papers are not heard of more during the whole of the session. One would have thought, that sufficient confidence might be placed in their delusive construction, to have removed all apprehensions of their being brought to light during the sitting of Parliament; and, therefore, the only conjecture that remains to be formed on so mysterious a proceeding is this, namely, that the set for this year contain something or other which even the vocabulary of the Exchequer is not capable of colouring. But, whatever may be the cause, the result is, and as a result it is deserving to be recorded, that the sessions of 1805 are on the point of closing, without the members of the House of Commons having had the opportunity of ever attempting to understand, what the revenue and expenditure have been of 1804. That is, the House of Commons have taken it for granted, that every thing is, as it ought to be, and upon this solid foundation, have unanimously acceded to every proposition of the minister for raising new taxes and incurring an expenditure of 70 millions.——When, therefore, it can be brought as a new charge against the public accounting system, that, besides the language of it being unintelligible and delusive jargon, advantage is taken of the indolence of the House of Commons, to withhold the accounts altogether from their inspection, the necessity is still further obvious of a minute investigation by Parliament, into all the circumstances belonging to it. There are a sufficient number of merchants in the House, who well know, and who in their sleeve laugh at the extreme credulity of those country gentlemen, who, whenever they look upon an account, admit, that it must be correct, merely because they find they cannot understand it. These merchants are aware that there can be no complete account without its being balanced and closed; and that the public accounts never are balanced and closed. These are the description of members, who should make the public accounts their study, and assist in obtaining a committee to sift the whole subject to the bottom, for without such a proceeding the public can feel no security against the frauds and the collusions of office.——VERAX.——*July* 2, 1805.

THE SIX IRISH MINISTERS.

SIR,——The resolution of the query of your correspondent M. M., occurred to me to be of so great importance to many of his Majesty's liege subjects, that I have devoted some hours in an attempt to form a satisfactory answer to it. But, I am obliged to confess that all my labour has been in vain. I have looked over Locke on Government, Grotius, Pufiendorf, Vattel, Martin, and Blackstone, *de jure personarum*, and have not been able to acquire any light upon the subject. Being obliged, therefore, after all my research to come to this conclusion, that though there are six ministers for Ireland, there is no Irish minister, I next made an attempt to procure information how this anomalous occurrence came to pass. After toiling many hours over Letters Patent, the Irish Journals and Statutes, the Laws of Honour and Precedency, the Debates on the Union, the Act of Union, and the Acts of the United Parliament, I found that the only method by which the functions of this ministry could be analysed, was by assuming as the basis of my deductions, that the Union was *a half measure*. That of the two great moities of government, the legislative and the executive authorities, one only had been considered and provided for, by merging the legislature of Ireland into the legislature of Great Britain; whilst the other, namely, the executive government had been left *statu quo*, however ill adapted to the new circumstances of both countries. If, upon further inquiry, I find my conjecture to be borne out by facts, I shall communicate to you such observations as present themselves as well calculated to shew the necessity of some new arrangement for administering the executive government of Ire-

land.——I am, Sir, &c.——VIGIL.——*July 3, 1805.*

ADMIRAL DUCKWORTH.

SIR,——Genius may dazzle, eloquence may charm, and intelligence may inform; but unless the political writer divest himself of partiality, or party prejudice, he will not obtain, nor has he any pretensions to expect, the confidence or estimation of any readers of enlightened understandings, or independent minds.—It is, therefore, to your *impartiality*, and energy in maintaining and supporting the opinions of your unbiassed judgment, that the high estimation of the Register is to be attributed.——It was on these principles you maintained a long and arduous contest with the destructive influence of Jacobinism, the prejudices of America, and the bribery of France; and, after successfully combating the united force of popular frenzy and democratic tyranny, at length obtained a complete and glorious victory, saving the British Empire and the American States from being involved in a bloody and impolitic war, which the insidious ambition of the Jacobin regicides of France had planned for their mutual subjugation.—In the establishment of Lutz's claim to the honour of taking the Invincible Standard, and in your defence of M. Peltier, the same causes produced similar effects. Firmness and impartiality triumphed over prejudice, and turned the current of popular opinion.——I could adduce many instances of a much later date, and of the most extensive public advantage, in which your exertions have been equally successful; and that too without risking the imputation of flattery. But they are foreign to the subject of *Admiral Duckworth's trial.* From which I have already digressed much farther than I intended.——You inform your readers that you extract the speech of Admiral Markham "from the Times newspaper, "because it is a print which has been "*most laudably*, and *most steadily*, engaged "in supporting the cause of the counrty "against the partisans of Lord Melville." Now, Sir, with all due submission to your *impartial* judgment, the superiority of which, in most cases, I most readily acknowledge, I cannot see that the *least degree* of praise is due to the editor of the Times, for supporting (not the *country* but) the partisans of Lord St. Vincent, against those of Lord Melville. Or what merit there be in that kind of "*steadiness*" which consists solely in an interested or servile devotion to *any* party whatever. Surely such conduct is not consistent with that perfect impartiality without which (you say truly) "there is *no justice*."——To form an accurate judgment of the estimation in which you held the character and principles of the Times newspaper about two years ago, and they have continued *tolerably steady* ever since, I beg leave to refer to your third volume of the Political Register, wherever that paper is mentioned; but, particularly, at page 837. This character, it is true, is not given in your own words, but in those of your intelligent correspondent "Veritas;" yet, as the *Times* at that period was the most servile (though weak) apologist for the Peace of Amiens, the *naval* administration, and every public measure which met with your decided, unqualified reprobation, it is fair to conclude that your opinion respecting the Times newspaper was in unison with that of your correspondent. For its consistency and *veracity* I refer to Political Register, vol. 3, page 865. Various examples of a similar nature might be adduced; but these will, I apprehend, be amply sufficient to prove that the Times newspaper has not the least pretension to that "*perfect* impartiality without which there is *no justice*;" and that its concurrence with the public opinion, in Lord Melville's case, is evidently the result of its *party* connexions. Your observations on the very extraordinary speech of Admiral Markham, as quoted by you from the Times, and also your preliminary remarks, are such as cannot fail to meet the approbation of your impartial readers, who will doubtless be shortly gratified by your resumption of this very important subject. In the mean time I conceive it necessary to remark that, exclusive of the indispensable obligation which every captain and officer of his Majesty's navy is under to act in strict obedience to *all* the articles of war, as expressed in the Act of 22d Geo. II. there are the following very cogent reasons why this 18th article, in particular, should be most strctly adhered to.—1. To preserve that dignity and respectability of his Majesty's naval service, which very properly precludes captains of his ships of war from being carriers of wine, or other goods, or engaging themselves, or his Majesty's ships under their command, in any mercantile employments. 2. To preserve to the owners and captains of merchants' ships those privileges of commercial intercourse which would, by so unwarrantable a violation of the 18th article of war, be greatly infringed, if seven or eight hundred ships and sloops of war were allowed to carry wine or any other articles of commerce, free of freight.—3. To prevent *smuggling*, which there is too much reason to apprehend would derive very great encouragement and extension

from the continuance of, or connivance at, so gross and shameful a violation of an act of parliament, on which the honour and the discipline of his Majesty's naval service, the respectability and support of his navy, and, consequently, the existence of the British empire itself, must ultimately depend. An abuse so generally committed, so daringly justified, so *authoritatively sanctioned* (as stated in the speech in the Times), so disgraceful in itself, and so extensively injurious to the national commerce and revenue, is scarcely to be paralleled in the annals of national depravity. This *double* violation of the law extenuated, and even acknowledged to have been (as far at least as relates to the *carriage* of wine) actually perpetrated (according to the report in the Times) by a legislator; an avowed reformer of peculation, while on the awful seat of judgment, however it might, from the ludicrous combination of the "*ridiculum acri*," excite momentary risibility, cannot fail to occupy the most solemn and deliberate attention of the British legislature in the ensuing session.

——I am, Sir, your humble servant,——

BRITANNICUS.——*London, 9th July*, 1805.

PUBLIC PAPER.

PRUSSIA AND SWEDEN.——*Copy of a Note transmitted by the Baron de Hardenberg to the Baron de Brinckmann, Chargé-d'Affaires of His Swedish Majesty, dated Berlin, Dec.* 24, 1804.

When his Majesty, the King of Sweden, thought proper to send Lieutenant-General Armfeldt to Berlin, with a letter from his Swedish Majesty to the King, dated September 19, to inquire in what light he considered the political situation of the north of Germany, the King explained himself upon the subject, with the greatest freedom, to the Baron D'Armfeldt, as well in his answer of the 20th of September, as by the medium of the undersigned cabinet minister of state. The King declared that, as his system was to prevent, as much as possible, the extension of the war to the continent; and as he had invariably prescribed to himself the strictest neutrality for the good of his kingdom and of his neighbours, his Majesty would, in conformity to that system, employ every means in his power to prevent the tranquillity of the north of Germany being disturbed by any person whatever; that his Majesty had given explanations on this important object, as well to the Emperor of all the Russias, as to the Emperor of the French, and that his Majesty had entered into mutual engagements in consequence thereof, and that he could not admit or suffer any hostile attempt on either side, consequently no armament of any kind in Swedish Pomerania. This declaration was at the same time communicated to France; and it is with true satisfaction that his Majesty on the one hand received the most positive assurances, by Baron Armfeldt and M. Brinckmann, his Swedish Majesty's Chargé-d'Affaires, at his court, that his said Majesty had not any hostile intention against France; that the measures taken at Stralsund were purely defensive, and would never have any other view than to secure himself from an unjust attack; and on the other hand his Majesty found that his endeavours to preserve the tranquillity of the north, were not employed in vain at Paris.——Nevertheless the King has just been informed, by an official note delivered by the French Minister, M. Laforest, that a treaty of subsidy is at this moment negotiatiating between England and Sweden, in which the latter power offers to march 25,000 men, and, according to the statement of the expense attendant thereon, demands a subsidy of two millions sterling for the same, and that it is only the amount of the subsidy which is still under discussion. Although the King wishes to persuade himself that those facts deserve no credit—facts which are so greatly at variance with the above-mentioned assurances—yet the manner in which they are announced, and the confirmation received, at least in part, by other advices, place the King under the necessity of giving his sentiments thereupon. The undersigned has, therefore, received orders to request M. De Brinckmann to ask of his august Sovereign a positive explanation on this important subject, in conformity to the mutual confidence which he has deemed necessary to establish between the King and himself. ——The King hopes, that his Swedish Majesty, far from wishing to extend the evils of war to, and to expose to danger the tranquillity and peace of, his own dominions, and of the rest of Europe, by an aggression against France, will rather be inclined to co-operate in the preservation of those benefits, and in a reconciliation with that power, all the avenues to which may perhaps not yet be closed. But in no case can his Majesty permit (without forgetting what the interests of his kingdom and of his neighbours require) that Swedish Pomerania shall become either the focus, or the theatre of war; and he does not conceal from his Majesty, that in the event of offensive measures taking place on the part of Sweden against France, he would be obliged, though reluctantly, to take the most decisive measures respecting that province; in order to hinder that event from disturbing the system which

he has adopted. His Swedish Majesty certainly will not charge this system with partiality, if he will please to consider, that the same principles which oblige the King to hold such language, are those which in general make it his duty not to permit that the tranquillity of the north of Germany be disturbed, and which guarantee Swedish Pomerania itself from every consequence attending any war whatever.——The undersigned requests M. De Brinckmann to accept of the assurance of his most perfect regard. ——(Signed)——HARDENBERG.

SUMMARY OF POLITICS.

ATHOL CLAIM.——This is a subject of so much importance, it so strongly marks the character of the persons by whom it has been brought forward and who have taken an active part in support of it, and to examine it thoroughly requires an analysis of so many documents, that I intended to leave it untouched, till I could find time and room to exhibit to my readers all the parts of the transaction in one view. But, the public interest which has been excited by the debate in the House of Lords, on Monday, the 8th instant, and in which the Lord Chief Justice took so conspicuous a part, induces me to depart from my first intention, and to notice some of the more prominent circumstances of the case, by way of illustrating the speech of the Lord Chief Justice, a passage from the conclusion of which I have selected for the motto to the present sheet. The reader will observe, that the claim of the Duke of Athol had been long ago submitted to the examination of the Attorney and the Solicitor General, who made a report against the claim. It had several times been pressed upon the government, and had always been rejected, and that too by the advice of persons most competent to judge of its merits. No voice was ever heard in its favour till a "Selac Commatée" was found to do it, and then, forward the minister drives it with all the speed in his power, and that too at a moment when three-fourths of the members of parliament have left town. Such was the haste to get the bill through, that, on Monday evening, the papers relative to the subject, containing 130 folio pages, were *wet from the press*. Nobody had read them, and nobody could have read them; and yet, it was upon these papers that the House was called upon to pass a bill, giving to the Duke of Athol a third part of the revenues of the Isle of Man! Under such circumstances, well might the Lord Chief Justice conjure their Lordships to pause, to consult their character, to think of the state of the public resources and of the pecuniary burdens already supported by the people. Good reason had he to remind the House, that, at the time when the contract with the Athol family was made, England had a great and an honest man (Mr. George Grenville) at the head of her finances; and good reason had his Lordship to lament, that Mr. Grenville had not the power of transmitting to all his successors, his *integrity* with his robe of office. Upon what ground, then, let me ask the reader, can the partisans of Mr. Pitt have made, in the Oracle newspaper of the 9th instant, a publication under the title of a speech of Lord Mulgrave, abusing the Lord Chief Justice in terms the most gross; charging him with having made use of rude expressions and of boisterous language, and with having acted like a demagogue? But, it will be best to insert this speech, or reported speech, at full length, just as it stands in the ministerial papers, particularly in that paper, which is known to be under the immediate control of THE UPSTART. "He" [Lord Mulgrave] "felt indignant when a "noble and learned Lord" [the Lord Chief Justice] "described the claim as proceed-"ing from fraud on one side, or gratuity on "the other. When these and the many "other harsh expressions he had used in "the course of that speech, came from a "person of his learning and authority, it "was to be apprehended that they would "make a great and an undue impression; "but it appeared to him that a person in his "high situation ought to have known how "to modify his expressions by something "like delicacy. Because he had great au-"thority from his situation, he should have "exercised it with dignity and with temper, "and not have indulged himself in a strain "so boisterous and rude. He said he should "apply to his Lordship what one of the "characters of our immortal bard, Othello, "applied to an old man; "Signor, your "age may more command me than your "weapon." He respected his learning, "his experience, his authority, and his si-"tuation in the state; but his Lordship was "not to suppose that he and his noble "friends on that side of the House were al-"ways to sit in silent apathy when he chose "to use angry language. Some of the ex-"pressions he had used were fitter for de-"magogues in Palace-yard, (who rail at "taxes, and introduce every sort of extra-"neous matter to inflame their audience) "than to be used in that House. When "he heard irritating and angry language "used, it might produce the same sort of "language from him; when he heard the "word job applied to this measure, he "must say he despised the imputation. He

" himself held a high and ostensible situa-
" tion in the government of the country,
" and could not allow any such imputations
" on the motives of his conduct."——Yes, he does hold " a high and responsible situa-
" tion" in the government, and we *know* it well: we see it and we *feel* it. This is quite enough, without being reminded of it in this taunting manner, by the Upstart who sways the Oracle newspaper. His Lordship's *right* to apply to the Lord Chief Justice what Othello applied to an *old* man with a *sword* in his hand nobody can be much disposed to question, though it would, I think, be very difficult to show, that there was much either of propriety or wit in the application; and, indeed, when we consider that the Lord Chief Justice is the *younger* man of the two, we must conclude, that the Upstart has *made* this witticism for his Lordship, of whose justly acquired fame as a performer, in the character of Othello, he has, doubtless, heard; for, as a hero of the buskin, the name of Colonel Phipps stands eminently distinguished in the history of the American war. The amateurs of Philadelphia still speak with rapture of his classical representation of several of the characters of " our immortal bard," and particularly of Othello, whom he personated with an effect, that induced many persons to lament, that the exercise of his talents had not been confined exclusively to the stage.——With regard, however, to the censure, which the Oracle has published, under his Lordship's name, on the Lord Chief Justice's speech, few persons can, I think, speak with approbation. What! is it a *novelty* to hear a measure brought before parliament called " a job?" Is it *coarse*" to talk of the " *mendicant importunity*" of persons who come to obtain money without having any legal right to urge? I have not room to quote here the speech of Mr. Pitt with regard to several of the pecuniary measures of Lord North; but these quotations I will hereafter make, in order to show how *delicate* this gentleman and his partisans are now become. Whenever you hear a serious charge, like that made by the Lord Chief Justice, answered by a cry against the *violence*, the *coarseness*, the *illiberality* of the language in which the charge is made, be you well assured, that the charge itself is well-founded. *Personality* is the cry; but, I defy the partisans of the ministry to point out one single instance of personality, properly so called, in the Lord Chief Justice's speech. He expressed his *indignation*; and to express indignation, a man must use indignant terms and assume an indignant voice and attitude. There are occasions when to speak mildly is to discover a criminal indifference; and that the present was one of those occasions the public are perfectly satisfied. " It " was to be apprehended that his sentiments " would produce great effect." Certainly; but, that was no reason for representing them as being conveyed in low and coarse language, unless, indeed, such representation were intended to destroy their effect. If this was the intention, however, it has failed; for, whatever may be thought in Downing Street, no sentiments ever met with more general applause amongst all ranks of the people; and, it is to be hoped, that the subject to which they relate will again become matter of discussion in parliament, when the Houses shall again be fully attended. And, as to *taxes*, with what propriety, with what decency, was the Lord Chief Justice compared to " a demagogue, introducing *extra-*
" *neous* matter," because he strongly represented the burdened state of the people? Is this to be the charge preferred against every one, who objects to the grants and " accom-
" modations" which the minister chooses to bestow *to members of parliament?* And, when a lavish boon was about to be bestowed, were the burdens of the people *extraneous* matter? But, as was before said, when you hear a serious charge answered by complaints against the *manner* of making it, rest assured that the *matter* is unanswerable. ——I shall resume this subject at an hour of more leisure, when I intend to lay before my readers as complete a view of the whole case as I am able to give, and when, I am persuaded, that they will think with me, that, in disapprobation of the measure opposed by the Lord Chief Justice no language can possibly be too strong.

FRENCH AND SPANISH FLEETS.——It was by no means difficult to foresee, that, to repeat an expression in my last sheet, " the
" moment these fleets heard that Lord Nel-
" son was in pursuit of them, they would be
" haunted day and night by his apparition;" but, it was really beyond the compass of hope, that they should have been so completely panic-struck as they now appear to have been. I thought, and I did, I believe, say, that they were more afraid of Lord Nelson than of Satan; but, if they had had intelligence of legions of devils being in pursuit of them, they could not have experienced greater dread than that of which they have now discovered the unequivocal symptoms. As soon as we heard that Lord Nelson was gone for the West-Indies, we were sure that the combined fleets would hear of it time enough to prevent them from venturing towards Jamaica; but, who could have hoped, that they would not have cou-

rage to attack any of the Leeward Islands? The intelligence, as communicated to the city of London by the Admiralty, is as follows: —— "Admiralty Office, July 9th, "1805. Captain Bettesworth, of his Majesty's ship Curieux, arrived last night "with dispatches from Vice Admiral Lord "Nelson, dated Antigua, 12th June. His "Lordship arrived with the squadron under "his command at Barbadoes on the 4th of "June, and took on board 2000 troops. It "appears that the combined squadrons "passed Antigua on the 8th of June, and "on the 20th were seen by the Curieux in "lat. 33. 12 long. 58. W. steering at first "N. by E. but afterwards N. N. W. His "Lordship intended to sail again in pursuit "of the enemy, the moment the troops "taken on board at Barbadoes were disembarked. The Diamond Rock had been "obliged to surrender from want of water, "after a gallant resistance, in which the "French lost many men, and three gun "boats. The combined squadrons had "suffered greatly from sickness." Rumour upon rumour is afloat with regard to the subsequent events; and, as it is not impossible that Lord Nelson may have overtaken, or may overtake, the combined squadrons, we may hope to hear of their being defeated and nearly destroyed; but, upon this head we should not be too sanguine, seeing, that there is not much probability of his overtaking them; for though their ships may not get through the water with a degree of velocity equal to that of the squadron under Sir John Orde, in his masterly retreat from before Cadiz, yet, they would, in all likelihood, keep too far a-head to be exposed to much danger. Abundant reason, however, have we to be thankful to Providence and to the brave Nelson for what has already come to pass. Jamaica, and, indeed, the whole of our West India islands, second in importance to the British islands themselves, have, as far as earthly means are concerned, been preserved and secured, solely by the foresight, the activity, the perseverance, the skill and the bravery of this matchless commander. No sooner does he hear that the enemy's fleets are out in the Atlantic, than the same presence of mind which preserved the glory of our navy at Copenhagen, leads him to fix on the course of his pursuit. He waits not a moment. Comes not slinking round into the Channel; is not amused by any tales or speculations about the Brazils or East Indies; but, sees the West Indies in danger, perceives their importance to his country, and, like an eagle, darts away to their relief. Those who consider how much, in the swiftness of a squadron, depends upon the skill and vigilance of the commander, will not fail duly to estimate the services of his Lordship upon this occasion. Arrived in the West Indies, and learning the situation of the enemy, he instantly fixes on his mode of proceeding; he sees the importance and the danger of Antigua (as mentioned in the last Register); he takes troops from Barbadoes to re-inforce the garrison of the former, in case it should already have been attacked; and thus, in the space of only eight days after his arrival, he would, even if the enemy had not fled, have taken measures to defeat all their hostile intentions. But, the dread of him was sufficient. And here we have a striking and most gratifying instance of the value of the *fame* of a commander. How much blood and treasure has the *name* of Nelson now saved to his country! What calamities and what disgrace has it not prevented! ——While, however, we rejoice, as we have good reason, at the issue of this enterprize; while we cannot but smile to behold this mighty labour of the sea terminating in a manner more contemptible than the fabled labour of the mountain, we must not forget, that the subject of our joy is, that we have *not been beaten*; that our ancient possessions have *not been captured*; that we have *not been covered with infamy*. Nor should we forget, that even of this negative good fortune, not a single particle is to be attributed to those, who now have the management of our public affairs. A ministerial print of the 11th instant observes: "If the combined fleet should "escape Lord Nelson, and arrive in safety "in port, still *we have ample ground for* "*triumph*: the plans which the enemy "formed of devastation and conquest have "been *completely frustrated*, our West In"dian possessions have been *secured from* "*attack*, and a great and powerful fleet has "been *forced* to fly, with disgrace and ig"nominy, before an *inferior* British squa"dron." Speaking, you perceive, all the way, just as if this frustration of the enemy's plans, and security of the West India possessions, had been owing to the measure of those ministers, who had left them to the protection of a fleet "an *inferior* British "fleet;" just as if Colonel Pitt had the merit of having "*forced*" the French and Spanish squadrons to flee before the fleet of Lord Nelson! that Lord Nelson whom he has not even the merit to have appointed, and who succeeded to the command which enabled him to save the West Indies merely in consequence of the Pitt Admiral having *moved off* from the coast of Spain. It has been well observed, in the Times newspaper, and it cannot be too strongly pressed

upon the recollection of the people, at this moment, that one of the first acts of the present ministry, after the rupture with Spain, was, to send out SIR JOHN ORDE, the brother-in-law of Mr. Frere (whose negotiations terminated in the Spanish war), and the brother of Lord Bolton, (who acted so conspicuous a figure in opposition to the Hampshire petition) this gentleman, who was well known to have a quarrel of long standing with Lord St. Vincent, it was one of their first acts to send out to Cadiz, by which Lord Nelson was deprived of the command of the Mediterranean, and would have been of *that in the West Indies*, if Sir John Orde had waited off Cadiz, or had followed the combined squadrons. Lord St. Vincent preferred Lord Nelson for the service against the French at Aboukir: he then put him before Sir John Orde, his superior as to seniority. Mr. Pitt and Lord Melville, the moment the Spanish war broke out, judged it more proper to send out Sir John Orde, Lord Nelson's superior in seniority, who would have superceded his Lordship, if Sir John's *squadron had been in a situation* to wait for the noble Admiral at Cadiz, and which, at any rate, deprived him of the chief command of the station, and also of its probably immense emoluments! No part of our good fortune do we, therefore, owe to the Pitt ministry. They have, in no way whatever, lent assistance to the brave man who has saved us. They, with all the immense means in their hands, with the hundreds of vessels of war and the hundreds of thousands of secret service-money at their command, knew no more of the destination of the enemy than did any dozen of men-milliners in the Strand. We have escaped from ruin and infamy; but, under Providence, that escape is to be attributed solely to Lord Nelson.

MR. COCHRANE JOHNSTONE.——(Continued from p. 21.) To the speech of General Fitzpatrick, in the House of Commons, I shall now add that of the Earl of Suffolk, in the House of Lords, on the 5th instant, upon the same subject. The motive for my doing this, previous to laying before my readers an analysis of the whole of the proceeding is, in order to remove, as soon as possible, the injurious effect, which the depriving of Mr. Johnstone of his rank may have produced upon the public mind. He was honourably acquitted by the court-martial appointed to try him; but, it is *possible*, as we have recently seen, for an officer to be honourably acquited by a court-martial, and yet for him to appear in the *evidence* given to the court, guilty of some, at least, of the charges preferred against him. In this case, however, my readers will see from the analysis which I propose to give, or they may see by a reference to the proceedings of the court-martial, the gentleman tried was acquitted upon the *evidence* produced, the charges being not only *not established*, but *proved* to be entirely *false*.——I have another remark or two to make after inserting the speech of Lord Suffolk, to which the reader's particular attention is requested.——"My Lords, "I cannot allow the present session of par- "liament to close without calling the atten- "tion of this House to a subject imme- "diately connected with the honour of the "profession to which I belong, and which, "from its great importance, has of late en- "gaged much of the public attention. I "allude to the recent case of the Honour- "able Mr. Cochrane Johnstone, who ac- "cording to the information I have receiv- "ed, was on a *mere rumour of intended ac- "cusation*, passed over in a general brevet "promotion, when as a colonel in the army, "he was entitled to the rank of major ge- "neral; and who having since been brought "to trial on charges by an inferior officer, "and honourably acquitted by a general "court martial, has been driven to the ne- "cessity, in consequence of *his rank being "still withheld*, of quitting the army.—— "If my information thus far is correct, I "believe every noble Lord who hears me, "will be of opinion, that the respectable "officer, to whom I have alluded, has suf- "fered injustice, and that the interest of "his Majesty's service concurs with the "claims of the party injured, in demanding "redress.——I have further to state to your "Lordship, that I understand the act of ap- "parent injustice complained of, was one of "an *assumed* power by the Judge Advocate "General, which the constitution of England "does not recognise, and which is sanc- "tioned by no precedent or practice unless "of a very recent date.——Your Lordships "know that his Majesty is invested with "competent authority to dismiss any officer "from his service, without a court martial; "and, I should be the last man in his do- "minions to question the legality of such "exercise of the Royal Prerogative. But "your Lordships also well know, that in no "case is it understood that this right of the "Crown can be exerted wantonly, capri- "ciously, or oppressively; and, therefore, "where any instance of this nature occurs, "substantial justice requires that there "should be an accredited adviser of the "Crown, responsible for the consequences. "But the constitution knows no such ad- "viser of the Crown, as the judge advocate,

" upon whom such responsibility attaches. " And, I believe, it will be found that, till " within a very short time past, the sen- " tences of courts martial were communi- " cated to his Majesty, exclusively, by the " secretary at war, who is a responsible offi- " cer.——I refrain from going more at " length into the circumstances of the case. " I have mentioned, my chief source of in- " formation at present, being public report " alone. But, I can state precisely to your " Lordships what came under my personal " observation, at a general court martial " where I was a material evidence. I mean " the case of Major General Burton, the " circumstances of which were extremely " remarkable. The prominent features " were these. On the first day of the trial, " after examining whatever evidence the " prosecutor could produce, the accusation " was perceived not to be substantiated. " The proof in support of the prosecution " was closed. And had the court then pro- " ceeded to give their decision, the prisoner " must have been acquitted. I am safe in " venturing to add, that the wishes of the " honourable members were, that such had " been the event.——On the day following, " by the advice of the judge advocate, *fresh* " *evidence was produced*, consisting of a let- " ter, *written by General Burton to the* " COMMANDER IN CHIEF in extenua- " tion of his conduct, and containing a fair " and manly acknowledgment of the charge. " With respect to such a *mode* of obtaining " evidence, such an *application* of a *private* " *letter*, I shall make no observation. I " have simply mentioned the fact upon the " ground of the charge being proved by the " letter under the prisoner's own hand, the " court martial pronounced their sentence, " adjudging General Burton to be cashiered. " But, in consequence of the many illus- " trious and honourable testimonies borne " to General Burton's highly meritorious " military conduct, and to the esteemed " worth and amiable virtues of his private " character through life, the court martial " transmitted so strong a recommendation " to the clemency of that character, whose " benignity even outshines the splendour of " his rank, that though the sentence of the " court was approved of as conformable to " law, General Burton was immediately re- " instated in his rank in the army, as well " as in the command he held previous to " his trial.——My Lords, I have thought it " proper to state generally, this singular case " which occurred only a short time prior to " that of Colonel Cochrane Johnstone, " which has been distinguished by the " still more alarming circumstances in " the conduct of the Judge Advocate that " now induces me to address your Lord- " ships with relation to what I must con- " sider as a great constitutional question. " This last case, from all I have heard, de- " monstrates of what vast importance it is " to the state, and to the service in particu- " lar, that the powers of courts-martial, as " well as the authority and duties of every " officer concerned in their proceedings, " should be clearly marked and defined.— " The importance of the subject indeed is " such, that I trust his Majesty's ministers " will consider it as meriting their most " serious attention, and their consideration " of the best means of applying an effectual " remedy to the abuse which appears to " have crept of late years into the Judge " Advocate's department. Should they not " be inclined to bring forward the business, " I certainly shall, and at an early period of " the ensuing session of parliament. The " object of the motion which, in that case, " I shall have the honour of submitting to " this House, will be two-fold: 1st. To " vindicate the rights of parties, tried by " courts-martial, more particularly the just " and undoubted claim of right vested in " Colonel Johnstone, by virtue of the de- " cision of his court-martial, under the ex- " isting military laws; 2dly. To define the " constitutional establishment of courts- " martial, and to regulate and ascertain the " legal effect of their decisions in future." ——Thus has this case been solemnly an- nounced, in both Houses of Parliament, in neither of which, let it be remarked, has there been a word said by the ministers, or by any body else, in contradiction to the state- ment made in behalf of the injured party. The public will recollect, that rumours have been afloat of this gentleman's having ap- plied to his own use the money due to the men of his regiment; of his having made his soldiers work upon his own lands; of his having, by these and other acts of op- pression, caused those discontents which finally produced the mutiny in Dominica. Such rumours were well calculated to excite public hatred against him; and, therefore, now that the charges have been proved, amply proved, to be utterly destitute of truth; now that his innocence has been established even by the evidence produced by his prosecutors, no time should be lost in removing the effect of those injurious ru- mours. To do this nothing could be better calculated than the publication of the speeches made upon the subject in parlia- ment; and, as I confess, that I was one of the persons who, from those rumours, had received, and, perhaps, in some small de-

gree, communicated an impression disadvantageous to Mr. Johnstone, I feel myself peculiarly called upon to endeavour to obtain justice to his reputation at least. In deferring my further remarks upon this subject to another opportunity, I cannot refrain from saying, that I do not clearly perceive either the expediency or the justice of attributing so great a share of the cause of Mr. Johnstone's treatment to the Judge Advocate General; and, if there be any part of Mr. Johnstone's letter to the Duke of York, of which the public will not approve, I think it will be that, in which he labours to throw *all* the responsibility upon Sir Charles Morgan. It certainly was not Sir Charles Morgan who promised him his rank in case the court-martial should acquit him; it was not Sir Charles Morgan that afterwards refused him his rank; nor does it appear that Sir Charles Morgan had any share in those acts of which he most complains. I trust, that, in respect for the sons of my Sovereign, I am not surpassed by Mr. Johnstone, or any body else; but I never can admit the principle, that *they can do no wrong*. If they are in office, I must look to them for *responsibility*. I know of no principle of our laws or usages which bids me seek for an *adviser* of them. Such a principle once admitted would soon destroy all real responsibility.

ADMIRAL DUCKWORTH. (Continued from p. 23.) Upon this subject there is a letter in a foregoing page of this sheet, to which letter I beg leave to refer the reader, and upon which I shall content myself, for the present, with observing, that, as to the Times newspaper, I have expressed no approbation of its *former* conduct; but, surely, I am not to disapprove, or to withhold my praise of, its conduct with regard to Lord Melville and his partizans, merely because it acted, in other cases, in a manner of which I disapproved.——As to the general principles laid down in the letter refered to, I am fully sensible of their truth and of their importance; and though I do not positively assert, that passion or prejudice has never, in any instance, misled me into a deviation from them, I am confident that I never have, upon any public question, been guilty of deliberate partiality, and I trust that I never shall. *Justice* consists not in a rigid interpretation and a severe execution of the law; but, in an *impartial* distribution of rewards and punishments, according to the nature and degree of the action to be rewarded or punished, taking into view the motives, the general character, and other circumstances relative to the parties for or against whom the award is to be made. The particular case of Admiral Duckworth was not sought for by me, as a subject of comment. My attention was attracted to it by the very extraordinary speech, which was published in the Times newspaper, under the name of Admiral Markham, and which I copied into the preceding sheet at the page above refered to; a speech which I could have wished, and could still wish, to see disavowed by that gentleman. And, I am persuaded, that the reader will agree with me, that such a publication ought not to have passed without notice. I felt no bias of any sort towards the person, against whose motion Admiral Markham's speech was made; I even thought that the motion came with no very good grace from a member, who, if I mistake not, had uniformly voted on the side of Lord Melville; but this circumstance could not alter the facts in the case of Admiral Duckworth, and neither it, nor any thing else, could change the nature or the tendency of the bold declaration, the daring defiance of the law, the *ridicule* of the law, contained in the published speech attributed to Admiral Markham. When, too, I came to read the evidence taken before the court-martial, together with the papers thereunto attached, and found that it was not *wines* and liquors merely (though, I must confess, I should have wished not to find a pipe and two hogsheads of these belonging to a gentleman whose public conduct, in general, I very much admire) when I found that it was not wines and liquors merely that the loading of his Majesty's ship consisted of, but also of a great variety of articles of merchandize, making at the lowest estimation in the evidence upon oath, a bulk of FORTY TONS, and amongst which articles were eleven logs and two slabs of mahogany, each of the logs containing nearly a load and a half of timber; when I came to see the list of these goods and merchandizes, which occupies two pages and a half of a close-printed octavo pamphlet, and which bears much more the appearance of a mercantile manifest than of an inventory of a ship of the Royal Navy; when I came to see this, I felt myself impelled to commence that series of observations, which I shall, hereafter, continue and conclude in the manner that appears to me the most likely to enable my readers to form a just judgment upon the subject.

PROROGATION OF PARLIAMENT.——Yesterday, the 12th instant, the parliament was prorogued by Commission, and with the following SPEECH from the Lord Chancellor, his Majesty's disorder in his eyes preventing him from appearing in person.——

"MY LORDS AND GENTLEMEN,—We have
"it in command from his Majesty to ex-
"press the satisfaction with which he has

" observed the proofs you have given in the " course of the present session of your con- " stant regard for the honour of his Crown, " and the interests of his dominions; and " particularly the measures which you have " adopted for strengthening his Majesty's " hands at this important conjuncture, by " the augmentation of the disposable mili- " tary force of the kingdom.——GENTLE- " MEN OF THE HOUSE OF COMMONS,—His " Majesty has directed us particularly to " thank you in his Majesty's name, for the " zeal and liberality with which you have " granted the large supplies which the ne- " cessity of the public service has required. " MY LORDS AND GENTLEMEN,—His Ma- " jesty has not yet been enabled to commu- " nicate to you the result of the negotiations " in which he is engaged with powers on " the Continent; but you may rest assured " that no step will be omitted on his Majes- " ty's part, for promoting such a concert as " may afford the best prospect of restoring " general and permanent tranquillity; or " may, if necessary, furnish the means of " repelling with vigour the continued en- " croachments on the part of the French " government, which threaten, every day " more and more, the liberty and indepen- " dence of all the nations of Europe."—— On this speech there is nothing to say, unless one were inclined to make an observation or two upon " the *augmentation* of the " disposable force of the kingdom;" but, it is not worth while. It will have been observed upon enough by every intelligent man before this sheet comes from the press.

PARTIES.—Since the publication of the preceding number of the Register, the following changes have taken place in the ministry. Lord Sidmouth, as President of the Council, and the Earl of Buckinghamshire, as Chancellor of the Duchy of Lancaster, have resigned their offices, which have been filled, the former by Lord Camden, and the latter by Lord Harrowby. (Lord Harrowby again!) Lord Castlereagh has succeeded Lord Camden as Secretary of State for the War Department, and still holds his office of President of the Board of Control. Thus are the Addingtons again separated from Mr. Pitt, and, as far as it has hitherto appeared, the separation has, on the part of the former, proceeded from motives which must be approved of by every *honest* man, of whatever party he may be. The Pitt faction, however, who have always the poison of asps under their lips, ascribe the rupture to a desire on the part of Lord Sidmouth to domineer over Mr. Pitt; and, indeed, we should not, after what we have seen, be too hasty in determining what were the motives which did in reality produce the resignation of the Addingtons. Let us, therefore, for the present, content ourselves with carefully perusing and putting upon record, according to our hitherto useful custom, the allegations of the parties respectively. The TIMES began, on the 6th instant, by stating the grounds of Lord Sidmouth's resignation in the following words. " This important " event has caused a considerable sensation " in the public mind, which is not likely " to diminish upon reflection, or a nearer " investigation of the circumstances which " have led to it. They are before the count- " ry at large—self-evident, oppressed or ob- " scured by no ministerial mystery or poli- " tical convenience. *Lord Sidmouth would* " *not consent to the resolution which so un-* " *fortunately has been formed by certain* " *individuals, to subtract a great delin-* " *quent from the laws of his country. His* " *Lordship would not lend the sanction of* " *his name and authority to the disastrous* " *scheme for diverting the course of public* " *justice, and frustrating the prayer of the* " *petitions of so many great provinces and* " *cities.* He would not concur in the un- " precedented measure of rescinding, upon " a four-and-twenty hour's notice, the so- " lemn vote of almost the fullest assembly " of the Commons in the memory of man, " in a house, whose total numbers scarcely " exceeded the amount of the minority on " that memorable decision. *In a word, he* " *found it incompatible with his feelings and* " *his duty—with what he owed to his own* " *honour and the service of his Sovereign* " *and his country—to remain any longer a* " *part of an administration, some of whose* " *members have appeared to make it their* " *chief object and occupation (in this extra-* " *ordinary case), wherever they have not* " *been restrained by his authority, to defeat* " *the ends of public justice, and elude the peti-* " *tions of the people!* Upon the immediate " consequences of this important change, we " shall hazard no conjecture. We do not, " however, believe, that the place of his " lordship and his friends can be supplied " from the ranks of either the new or the " old Opposition, as the leaders of both " these parties *have distinguished themselves* " *by their adherence to the cause which has* " *produced his resignation.*"——Very true! Very true! but, of that more hereafter.—— On the evening of the same day the Pitt newspaper, the SUN, made the following remarks: " we yesterday stopped the press " to announce to the public an event which " has been for some time expected, viz. " the resignation by Lord Sidmouth of his " office of President of the Council. We

" should violate the principles which we " have always professed, and upon which " we have always acted, if we were to ex- " press any regret upon this occasion.— " We are fully sensible of the necessity of " a strong and efficient administration at " this juncture; but we are convinced " that administration will lose nothing in " point of strength—certainly nothing in " point of vigour and efficiency — by the " resignation of the noble lord. Indeed " the wavering, undecided, hollow sup- " port which the noble lord and his friends " have given to administration, has tend- " ed much more to weaken than to strength- " en it. It has been stated, for purposes " too obvious to be mistaken, *that the* " *conduct of Lord Sidmouth and those who* " *act with him on the business of Lord* " *Melville was the sole cause of the* " *differences subsisting between Mr. Pitt* " *and his lordship; to this assertion we* " *can give the most decided contradiction,* " although it certainly is true that their con- " duct in bringing forward a motion for a " criminal prosecution, not only without " any previous concert with ministers, but " even without the slightest intimation of " any such intention, may have *accelerated* " *the event which has just taken place.* " Whether this resignation will lead to any " accession of strength to administration " FROM ANY OTHER QUARTER, we " cannot at present take upon ourselves to " decide; but it certainly will REMOVE ONE " GREAT OBSTACLE to such an union as " that to which we allude."——Will it, think you? But of that more by-and-by. ——On the 10th instant the SUN returned to the subject, and made the following statement: " Lord Sidmouth's pretext is, " that his conscience will not permit him to " support an impeachment, but he must " have a criminal prosecution! *Can this be* " *believed? Can the mode of trial be a* " *matter of conscience? No, no. Had the* " *proposition supported by Mr. Pitt been* " *for prosecution,* impeachment, no doubt, " would have been in the eyes of the Ad- " dingtons. Lord Sidmouth's conduct, in " short, *can be traced to nothing but a* " *love of power, unaccompanied by great* " *or generous feelings.*"——This brought the following re-statement from the TIMES of the 12th instant, to which re-statement I beg the reader's particular attention: " we " re-state, therefore, that Lord Sidmouth, " and his friends, have resigned their high " situations, *because they had not sufficient* " *influence in the Cabinet to prevent the* " *measures which were pursued to rescue* " *Lord Melville from the laws of his* " *country; because they would not connive* " *at the perpetuation and impunity of the* " *system of abuse, and the profligate waste* " *of the public resources, of which they op-* " *posed the latest instance in the case of the* " *D. of Athol.* Ld Sidmouth has resigned upon " the purest and broadest public principle " that ever a great statesman, or a zealous " worshipper of the constitution, took for his " rallying point; and we affirm, that *every* " *virtuous Englishman will rally round his* " *Lordship, as the* SOLE *and central point* " *from which we can combat that prodi-* " *gality and public corruption which we do* " *not possess the means to support.*"—— This zeal may be excused; but, as long as the OPPOSITION shall continue to act upon the principles, which have distinguished their conduct during the discussions relative to Lord Melville, this writer can hardly suppose, that the Addington party will be the *sole* rallying point of the people against the abettors of corruption; for the people will not easily forget, on which side the Addingtons voted on the all-important 8th of April. I am, however, ready to allow, that, if it shall finally appear, as at present there is every reason to hope and to believe that it will appear, that the Addingtons have resigned upon the honourable ground above stated by their friends; if this shall finally appear, I shall be the first to allow, that they have regained the ground which they lost on the 8th of April, and that they have made an effort of public virtue that entitles them to *a share* in the confidence of their king and the people. But, if they had *remained in the Pitt ministry*, neither their professions, nor their votes upon particular occasions, would, or ought, to have availed them any thing; which observation will equally well apply, if they should, either now or at any future time, rejoin Mr. Pitt; for, as Mr. Fox observed in the debate of the 6th of May, " the country is " seriously agitated, and it *neither can nor* " *will place confidence in those who have ex-* " *erted themselves so much to screen a delin-* " *quent.*" What degree of confidence they would place in persons, who, after reprobating these exertions, should join the man by whom, principally, they have been made, I leave the Addingtons and their friends to determine. They are, apparently at least, now in the path of safety and of honour. Their deliverance, when we contemplate the scene whence they have escaped, is little less fortunate than that of the family of LOT, the hankering matron of which let me, however, conjure them not to imitate, or, they may be assured, that, politically speaking, their fate will not be less signal than hers.

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